



PATENT

Attorney Docket No: WHIT-06919

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Whitman *et al.*

Serial No.: 10/044,442

Group No.: Romeo

Filed: 01/11/02

Examiner: 1647

Entitled:

**METHODS AND COMPOSITIONS FOR MODULATING
TGF-BETA SUPERFAMILY SIGNALING**

Petition under 37 C.F.R. 1.78

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 29, 2005

By: Mary Ellen Waite

Mary Ellen Waite

The Applicants hereby submit the following petition under 37 C.F.R. 1.78 to accept an unintentionally delayed priority claim under 35 U.S.C. 119 (e), 120, 121, or 365(c).

1. The present application (Serial number 10/044,442; hereinafter "the present application") was filed on 1/11/02. The application transmittal (attached hereto) indicated that the application was for a nonprovisional "divisional" application and included a statement to amend the specification by inserting before the first line the sentence "This is a divisional of copending applications(s) U.S. Serial No. 60/047,991, filed 5/28/97 and U.S. Serial No. 09/087,134, filed on 5/28/98."

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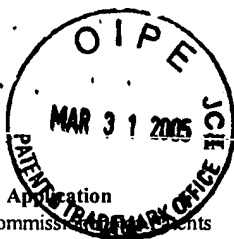
2. In the Office Action dated 1/11/05, the Examiner stated "The benefit claim in the preliminary amendment filed 01/11/02 does not comply with the relevant statute and patent regulations." (Office Action, pg. 2).
3. The attached response to the Office Action dated 1/11/05 includes an amendment to the specification to correct the priority claim, which should properly state "this application is a divisional of copending application serial number 09/087,134, filed 5/28/98, which claims priority to provisional application serial number 60/047,991, filed 5/28/97.
4. The entire delay between the priority claim filed on 1/11/02 and the corrected priority claim submitted herewith was unintentional and was due to typographical error in the priority claim submitted on 1/11/02.
5. The requisite fee listed in 37 C.F.R. § 1.17(t) of \$1,370.00 accompanies this Petition.

Dated: March 29, 2005



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Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

THE UNITED STATES PATENT AND TRADEMARK OFFICE

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Malcolm Whitman and Xin Chen for **METHODS AND REAGENTS FOR MODULATING TGF- β SUPERFAMILY SIGNALLING**.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date **January 11, 2002** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL 837 033 644 US** addressed to: **Box Patent Application**, Assistant Commissioner For Patents, Washington, D.C. 20231.


Susan M. McClintock

1. **Type Of Application**
This new application is for a(n)
☒ Original (nonprovisional)
☒ Divisional.
2. **Benefit Of Prior U.S. Application(s)** (35 U.S.C. §§ 119(e), 120, or 121)
☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.
3. **Papers Enclosed That Are Required For Filing Date Under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**
76 Pages of Specification
13 Pages of Claims
1 Page of Abstract
13 Sheets of Informal Drawings
4. **Additional Papers Enclosed**
☒ Preliminary Amendment
☒ Other: **REQUEST UNDER 37 C.F.R. § 1.821(e) TO USE COMPUTER READABLE FORM FROM ANOTHER APPLICATION**
5. **Declaration**
☒ Enclosed
☒ Executed by inventors from parent application - Serial No. 09/087,134, filed 05/28/98.
6. **Inventorship Statement**
The inventorship for all the claims in this application is:
☒ the same
7. **Language**
☒ English
8. **Fee Calculation (37 C.F.R. § 1.16)**
☒ Regular application

CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee - \$740.00 (37 C.F.R. § 1.16(a))
Total Claims (37 C.F.R. § 1.16(c))	16 - 20 =	0 × \$18.00 =	\$0.00
Independent Claims (37 C.F.R. § 1.16(b))	16 - 3 =	13 × \$84.00 =	\$1092.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))	+ \$270.00 =		\$0.00
Filing Fee Calculation			\$1832.00

9. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27.

Filing Fee Calculation (50% of above) \$916.00

10. Fee Payment Being Made At This Time

☒ Enclosed

☒ basic filing fee

\$916.00

Total Fees Enclosed \$916.00

11. Method of Payment of Fees

☒ Check in the amount of **\$916.00**

12. Authorization To Charge Additional Fees and Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.: **08-1290**. An originally executed duplicate of this transmittal is enclosed for this purpose.

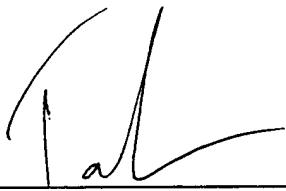
13. Power of Attorney by Assignee

☒ Enclosed (unexecuted)

14. Return Receipt Postcard

☒ Enclosed

Dated: January 11, 2002



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☒ **Incorporation By Reference Of Added Pages**

☒ Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s)
Claimed

Number of pages added 1

**ADDED PAGES FOR APPLICATION TRANSMITTAL
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**

15. Relate Back

A. 35 U.S.C. § 119(e)

B. 35 U.S.C. §§ 120, 121 and 365(c)

- ☒ Amend the Specification by inserting before the first line the sentence: "This is a Divisional of copending application(s) U.S. Serial No. 60/047,991, filed 5/28/97 and U.S. Serial No. 09/087,134 filed on 05/28/98."

16. Further Inventorship Statement Where Benefit Of Prior Application(s) Claimed

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☒ the same.